

THE HONORABLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.11609 of 2017

ORDER

This petition is filed under Section 482 of Cr.P.C., seeking a direction to the XXI Metropolitan Magistrate, Cyberabad, Medchal, Ranga Reddy District, to try and dispose of C.C.Nos.896 of 2015 and 246 of 2017 pending on his file, on the ground that the case against A1 and A4 was separated and registered as C.C.No.246 of 2017 while C.C.No.896 of 2015 is against A2 and A3 for the offences punishable under Section 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act.

2. When the complaint was lodged against the accused for the alleged offences, a final report was filed referring the case as 'lack of evidence', and on receipt of notice in compliance of Section 172(2) of Cr.P.C., a protest petition was filed by petitioner/complainant against all the accused. Thereupon, the Court below took cognizance of the offences against the accused. But, due to non-availability of A1 and A4 in India, the case against them was separated and registered as C.C.No.246 of 2017. Since the cause of action and the allegations in both the cases are one and the same, the petitioner requested this Court to try both the C.Cs., by recording common evidence.

3. The counsel for respondents opposed the petition on various grounds.

4. As seen from the material on record, the complaint was lodged with the police by petitioner against four accused for the offences under Section 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act. But the police, after investigation, filed a final report referring the case as 'lack of evidence'. However, on receipt of notice under Section 172(2) of Cr.P.C., she filed a protest petition to take cognizance against all the accused and the Court took cognizance against them. But due to non-availability of A1 and A4 in India in connection with their employment, the case against them was separated and registered as C.C.No.246 of 2017.

5. In view of the commonality of both the cases pending against the accused as they arise out of the protest petition filed by petitioner and the witnesses to be examined in those cases are one and the same, it is appropriate to direct the trial Court to decide both the cases by recording common evidence in order to avoid both expenses and waste of time of the Court, otherwise it would lead to conflicting judgments. Therefore, taking into consideration the facts and circumstances of the case, I find that it is a fit case to issue a direction to the trial Court to decide both the C.Cs., by recording common evidence.

6. In the result, the Criminal Petition is allowed directing the XXI Metropolitan Magistrate, Cybearabad, Medchal, Ranga Reddy District, to decide and dispose of C.C.Nos.896 of 2015 and 246 of 2017 pending on his file by recording common evidence in

accordance with law. Miscellaneous petitions, if any, pending in this petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

27th August, 2018

sj

